

POLICY FOR HEALTH AND SAFETY

PART C - ARRANGEMENTS

Section 30

DRUGS AND ALCOHOL AT WORK

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1. INTRODUCTION

Drug and other substance misuse is everyone's concern. In the context of work, not only does it damage the misuser's health, but it can cost employers through absenteeism and reduced productivity. It can also increase the risk of accidents.

This arrangement is part of the council's Corporate Health and Safety Policy. It also forms part of the Personnel procedures.

The aims of this arrangement are to:

1. Ensure the Health, Safety and Welfare of our employees, and the business interests of the council by making suitable arrangements to ensure that drug and alcohol use does not create risks to workers or service users,
2. List and describe the drugs included in this policy,
3. Establish a council policy on their use and misuse,
4. Make commitments to support employees affected by drug and alcohol problems rather than punish them.

2. SCOPE

This arrangement applies to all council employees, including employees based in schools.

There are many drugs that can influence the health, safety, welfare and performance of our workforce. The drugs included in this arrangement are:

- Alcohol
- Any drugs which are controlled or uncontrolled under the provisions of the Misuse of Drugs Act 1971 and the Drugs Act 2005 (prescription drugs and narcotics etc.)
- Medicines, both prescribed and those obtained over-the-counter, whose use or misuse may affect a person's ability to do their job, or to do it safely.

Smoking at work is covered by a separate policy and will not be addressed in this document.

3. POLICY STATEMENT

The Council recognises that misuse of alcohol or other drugs can create serious risks to the health, safety and welfare of our employees, and those affected by our work, and can also cause problems with attendance, time keeping, sickness levels and work performance.

We expect employees to avoid the use of any substance which may reduce their ability to work safely and effectively. If taking medicines potentially compromises an employee's ability to work, we expect them to report this to a manager and co-operate in finding an appropriate solution to the problem.

We also expect employees to seek help if they have a problem with alcohol or drugs. We recognise that drug and alcohol misuse is an illness, and we will aim to support employees who come to us with a problem and are who are willing to work with us to deal with it. Any employee who feels that they are having a problem with drug or alcohol use should seek help through their line manager, the occupational health service or the counselling service.

We will deal with possession and dealing in controlled drugs at work very seriously. Any persons found to be in possession of proscribed drugs or dealing in the same will be dealt with under disciplinary arrangements, and may be reported to the police.

Most importantly, we recognise that we have a duty under health and safety legislation to protect the health and safety of staff and others affected by our work. To this end, we will put in place systems to ensure that safety critical tasks are not performed by people under the influence of medication, drugs or alcohol.

4. ROLES AND RESPONSIBILITIES

Employees duties - these are the rules that employees must follow. Breaking these rules may result in disciplinary procedures.

The misuse of alcohol or drugs by employees while performing their duties is unacceptable and may lead to disciplinary proceedings. Alcohol should not be consumed by any employee during core working hours.

Possession of and the use of alcohol, drugs or other substances at work in circumstances which may reasonably be considered as misuse is unacceptable. The possession or use of illegal drugs whilst at work or on work premises is also unacceptable. and may lead to disciplinary proceedings and/or criminal prosecution. Allegations of this nature will be carefully and sensitively investigated before any action is taken.

All employees, particularly those who drive, use machinery, work with clients or the public, have a responsibility to ensure they are fit for work and able to perform their duties unimpaired by alcohol or drugs.

Employees must be aware that alcohol use outside work can affect their ability at work especially at the start of their working day, after lunch time and after breaks. Employees in designated safety-critical roles must not consume alcohol during lunch time if they are working in the afternoon.

Employees in designated safety-critical roles may be subject to random alcohol testing. This is further explained in section 6 of this document.

Employees who suspect that another person is under the influence of alcohol or drugs and causing a risk to health and safety of any person should report the situation to their line manager, or another manager if the suspicion relates to their own line manager.

Managers' Duties

Managers are responsible for making sure that the activities under their control are carried out without breach of this policy. In particular, managers must consider the following points:

- 1. Identifying safety-critical roles within their service, and if necessary implementing appropriate random testing for staff in these roles; and**
2. The Identification of employees undertaking safety critical tasks may be carried out by any manager with sufficient knowledge of such matters, however the primary responsibility of this determination remains that of the relevant Director or Head of Service.

Safety-critical tasks and activities are those that require complete attention from the employee to be performed safely. Tasks that involve driving a council vehicle, operating dangerous machinery, and driving council service users in any vehicle, are all safety-critical. The Safety, Health and Wellbeing service is available for advice and will work with services to ensure that safety-critical tasks and activities are identified.

Employees engaged in safety critical work who ask for help in dealing with a drug or alcohol problem will be supported, and other non safety-critical work found if possible.

If in the absence of such disclosure, random testing reveals that such an employee is under the influence of a substance likely to compromise safety, disciplinary action may be taken.

Providing Information to Staff

This arrangement will form part of the council's HR procedures. Managers must inform employees of the rules, by normal communication methods, such as team meetings, and other methods, such as meetings, as appropriate.

It is essential that employees performing safety-critical tasks are advised of the importance of controlling drug and alcohol use for their own safety. Managers must inform such employees in writing. The information provided to staff will depend on the nature of their work, as explained below.

All employees

- will be informed of the importance and health benefits of controlling drug and alcohol use, and the existence of this policy by existing communication methods
- will have full access to drug and alcohol support and assistance through the council's Occupational Health Service
- failure to comply with D&A policy may be dealt with as misconduct, and could result in suspension or dismissal.

In addition to above, employees in a safety critical role will also:

- be identified by Line Managers following risk assessment,
- be informed in writing of their safety critical status,
- may be subject to random drug and alcohol testing

5. ARRANGING SUPPORT FOR STAFF THAT ARE EXPERIENCING A PROBLEM WITH DRUG OR ALCOHOL USE

Changes in an employee's behaviour or work performance may be connected to alcohol or drug misuse. Managers must remember, however, that such changes may also be caused by other factors in or outside of work, or by some medical conditions, such as stress, mental health or by personal problems. Such signs should therefore only be used as an indication of the possibility of the misuse of drugs or other substance. Signs such include but are not limited to irritability, abnormal fluctuations in mood and energy, poor time keeping, increases in short term sickness absences and deterioration.

Managers must be extremely careful in gathering evidence before approaching a member of staff. Evidence of actual events, ideally supported by other evidence, must be collected and prepared for presentation to the employee. It is essential that managers with such concerns discuss the issue with HR.

People who misuse alcohol or drugs may often feel unclear and confused about what is happening to them. It is important therefore for the manager to be very clear with the employee about what is going wrong and focus on specific issues, such as poor work performance, absences and behaviour at work. The manager must not make vague accusations or moral judgements. The aim of any discussion is to try to find out causes and to explore and identify possible remedies.

Employee admission

Where an employee with a drug or alcohol problem requests help, we will aim to support them in dealing with the issue. Managers must first consider whether the problem may cause an immediate risk to health and safety (if the employee is in a designated safety critical role), and take any immediate action as necessary. After that, the employee should be referred to the Occupational Health Service for assessment and advice. The council's Drug and Alcohol Team can also provide advice about treatment methods available. Reasonable time off will be allowed for on-going treatment if necessary.

The manager must keep in regular contact with the employee to check on their progress in accordance with the agreed policy and procedure.

6. TESTING FOR DRUGS AND ALCOHOL

All employees deserve and have a right to privacy and dignity in their working life. For this reason, it is inappropriate for any testing for drugs or alcohol to be carried out unless the employee has been identified as being in a safety critical role, as described above.

Testing for alcohol provides immediate results and addresses the most common substance likely to be misused. Alcohol is also known to seriously reduce a person's ability to operate machinery and vehicles safely. For these reasons, alcohol will be the only substance tested for randomly.

If any employee is observed as being affected by alcohol or drug use by a manager, colleague or member of the public, it is the responsibility of the manager to meet with the employee to express concern at the observed behaviour and to offer help and support as necessary. Any testing for these employees will only be carried out either just before, or during their performance of their job.

Testing for drugs other than alcohol will only be carried out if all the following conditions apply:

- There is reason to believe that an employee is using a controlled drug, or other substance in a way that creates a safety risk, preferably supported by evidence,
- That employee has been identified as being in a safety critical role and has been advised of this in writing,
- The drug in question is likely to compromise health and safety.

Any testing must be carried out by a designated manager in the affected/ relevant services. Records must be kept of all testing, whether for alcohol or other drugs. The cost of alcohol and drug testing will be absorbed as part of services' running costs.

7. DEALING WITH DANGEROUS SITUATIONS

For the purpose of this policy, a dangerous situation is one in which an employee or contractor is believed to be carrying out, or about to carry out, a safety-critical task while under the influence of alcohol or any other substance that could impair their ability to work safely.

Managers must take immediate appropriate steps to reduce or remove the risk of injury if a dangerous situation applies. This may involve stopping or suspending an activity and finding another person to do it safely, and moving a person suspected of being under the influence of drugs or alcohol either to a less critical job, or sending them home to recover. In these circumstances, it is essential that the manager records what action was taken and why. This report should be produced straight away, or as soon after the event as possible.

Although record keeping of any actions taken to deal immediate risks is essential, this immediate action should **not** be used in isolation as a reason for disciplinary or other action against an employee; disciplinary action requires a greater degree of evidence and record keeping. This action is intended only to deal with immediate risk of injury.

All employees are under a general duty at all times to take reasonable care on themselves and others. This applies to situations where the possible use of alcohol or drugs is believed to pose an imminent risk to the safety or health of any person, including the employee.

Some of the council's services involve visits to service users' homes. The use of illegal substances and alcohol can influence employees' safety in some circumstances. This will be a factor which will be considered in personal safety risk assessments. Evidence of illegal substances will serve as an indicator that there may be a problem and should be noted and reported to a line manager, who should consider whether to report the circumstances to the police. Advice on this should be sought from the Barnet Drug and Alcohol Team.

8. CONTRACTORS, AGENCIES AND TEMPORARY WORKERS

We also expect providers of agency and temporary workers, and contractors providing services to the council, to have similar arrangements to ensure that their employees are not performing safety-critical tasks on behalf of the council under the influence of any drugs covered in this policy. This will be considered when contractors first selected, and during contract monitoring.

Any cases of suspected inappropriate drug or alcohol use should be communicated to the contractor, agency or worker immediately, and assurance requested that the issue will be properly dealt with.

9. PROTOCOL FOR DEALING WITH ACTUAL OR ALLEGED POSSESSION OR DEALING IN CONTROLLED SUBSTANCES AT WORK.

In taking action under any part of this arrangement, it is essential to remember that the purpose of this arrangement is purely to protect the health and safety of employees and other people who might be affected by the council's work. The purpose of this document is not to establish guilt or blame.

Suspicion or rumour of drug use - The first principal to adopt is to 'make no assumptions.' Any suspicions of substance misuse, should be discussed in the first instance with senior colleagues and with the employee(s) concerned. No assumptions should be made or action taken on the basis of observation alone - the 'signs and indicators' of substance misuse are very often similar to or identical with many other possible causes. There are no absolute signs or indicators of substance misuse other than witnessing ingestion of substances by an individual or being informed by that person of their action.

Handling paraphernalia

If drug taking paraphernalia (i.e. syringes) is found it is advisable to:

- investigate with any employees involved;
- increase observation of the area in which it was found;
- advice on the handling of sharps (including syringes) can be found in the Corporate Health, Safety and Welfare policy section 17 – Infection Control

Handling illegal substances

If drugs or suspect substances are found, it may be necessary to take possession of them, at least temporarily. The following procedures should be followed for this. It is advisable for any person using this procedure to have another employee with them as a witness.

- Record details of the find (who, what, where and when);
- Place the materials in a sealed plastic bag, or other suitable container, and keep it in a secure place, where it is unlikely to be accidentally found.
- **Do not** flush it down the toilet, burn it or throw it in a bin as this may contravene Environmental law and the Misuse of Drugs Regulations 1985. It can also be hard to prove that it has been securely disposed of;
- At the earliest opportunity, contact Barnet Borough Police, informing them of the situation, and that you are in possession of a substance suspected to be a controlled drug (the defence in law is that possession has been taken in order to prevent a person from committing a criminal offence);
- There is no legal obligation to inform the police of the identity of the employee, although this should be seriously considered if the drug is class 'A' or if the employee is believed to be involved in supply;
- **Do not** taste the substance in order to ascertain its identity

10. FURTHER INFORMATION

For further information about any of the issues raised in this arrangement, contact the SHaW team on 020 8359 7955.